

JOURNAL OF THE HOUSE.

Monday, December 3, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, Our Ultimate Source of Hope and Truth, we believe that You watch over us at all times and in all circumstances. Inspire us to be aware of this reality when we are faced with the difficulties and challenges of daily living. Today, the Jewish Community is about to observe the historical and religious event of Chanukah. We join our Jewish associates and friends in celebrating this religious and happy occasion. During this special season of the year, we pray for the wisdom and strength to remain faithful to You, Your ways and to our human and spiritual values.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor — Bills Returned with Recommendations of Amendments.

Homeowner-
ship,
amendment.

A message from His Excellency the Governor returning with recommendation of amendment section 2 contained in the engrossed Bill protecting and preserving home ownership [see House, No. 4387, amended] (for message, see House, No. 4406) was filed in the office of the Clerk on Thursday, November 29.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Governor, said section (printed as House, No. 4407) was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Needham
land,
amendment.

A message from His Excellency the Governor returning with recommendation of amendments the engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange certain land in the town of Needham [see House, No. 4367] (for message, see House, No. 4408) was filed in the office of the Clerk on Thursday, November 29.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Governor, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Acting Governor — Bill Returned with Recommendation of Amendment.

A message from His Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill authorizing the conveyance of certain parcels of land in the city of Boston [see House, No. 4185] (for message, see House, No. 4410) was filed in the office of the Clerk on Friday, November 30.

Boston,
land
conveyance.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to financing improvements to the Commonwealth's transportation system (House, No. 4409) was filed in the office of the Clerk on Thursday, November 29.

Transportation
system,
funds.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Transportation. Sent to the Senate for concurrence.

Appointments of the Speaker.

The Speaker announced that he had appointed Representatives Costello of Newburyport and Keenan of Salem to the special commission established (under Section 26 of Chapter 428 of the Acts of 2006) to study the impact of drowsy driving on highway safety and the effects of sleep deprivation on drivers while operating on the highways, adjacent parking areas and other areas.

Drowsy
driving
commission.

The Speaker also announced that he had appointed Representative Spellane of Worcester to the Board of Trustees of the Commonwealth Covenant Fund established (under Section 4 of Chapter 61 of the Acts of 2007) to make loan payments on behalf of graduates of Massachusetts public institutions of higher education who are employed in the areas of science, technology, engineering and mathematics (STEM).

Covenant
Fund
Board.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Eric Sykes Rabbitt on receiving the Eagle Award of the Boy Scouts of America;

Eric Sykes
Rabbitt.

Resolutions (filed by Mr. Cabral of New Bedford) on the occasion of Jim Butler and Valerie Gilliard's third anniversary of the Weekly Compass Newspaper Gala, December 4, 2007;

Weekly
Compass
Newspaper.

Joseph
Michael
Gibbons.

Frederick E.
Berry.

Hopedale
High School,
boys cross
country team.

George C.
Corey.

James
Nickerson.

Resolutions (filed by Mr. Calter of Kingston) congratulating Joseph Michael Gibbons on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Fennell of Lynn and other members of the House) commending the honorable Frederick E. Berry, founder and president of F.B. Charities, Inc., on the occasion of the organization's twenty-fifth anniversary;

Resolutions (filed by Mr. Fernandes of Milford) honoring the Hopedale High School "Blue Raiders" boys cross country team as the 2007 Division II state champions;

Resolutions (filed by Mr. Rice of Gardner) recognizing Attorney George C. Corey; and

Resolutions (filed by Mr. Smizik of Brookline) on the occasion of the retirement of James Nickerson;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual and Special Reports.

Annual reports

Of the Commissioner of Insurance (under the provisions of paragraph 2 of clause F of section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance for the year 2006;

Of the Nantucket Regional Transit Authority (under Section 8 of Chapter 161B of the General Laws) for the fiscal year 2007; and

Of the University of Massachusetts Building Authority (under Chapter 773 of the Acts of 1960) for the fiscal year 2007; and

A monthly report of the Division of Unemployment Assistance (under Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for October, 2007; and

A report of the Human Resources Division (under Section 25 of Chapter 31 of the General Laws) submitting a listing of civil service non-public safety building custodian lists that have been revoked by the Personnel Administrator as of November 15, 2007;

Severally were placed on file.

Papers from the Senate.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Barnstable County Correctional Facility, in the town of Barnstable, was spread upon the records of the House; and returned to the Senate.

A petition of Robert A. Antonioni and Robert L. Rice for legislation to establish a sick leave bank for Kevin J. Fitzgerald, an

Credit
insurance.

Nantucket,
transit
authority.
UMass Building
Authority.

Unemployment
insurance,
October, 2007.

Custodians,
revoked
lists.

Barnstable
County
Correctional
Facility,
inspection.

Kevin J.
Fitzgerald,

employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2441) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the following petitions:

Petition (accompanied by bill) of Cory Atkins that the town of Concord be authorized to establish a post-retirement group insurance trust fund. To the committee on Financial Services.

Petition (accompanied by bill) of John W. Scibak relative to exempting the position of school custodian in the town of South Hadley from the provisions of civil service law. To the committee on Public Service.

Under suspension of the rules, on motion of Ms. Spiliotis of Peabody, the reports were considered forthwith. Joint Rule 7B then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of William Lantigua and others for legislation to allow consumers to receive cash for certain gift certificates. To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill) of Demetrius J. Atsalis that certain sex offenders assigned to vote in schools or libraries be required to vote by absentee ballot. To the committee on Election Laws.

Petition (accompanied by bill) of John W. Scibak relative to the appointment of a first assistant clerk for the Juvenile Court of Franklin and Hampshire counties. To the committee on the Judiciary.

Joint petition (accompanied by bill) of Stephen Kulik and Stanley C. Rosenberg for legislation to provide for the merger of the Turners Falls Fire District and the Lake Pleasant Water Supply District in the town of Montague. To the committee on Municipalities and Regional Government.

Petition (accompanied by bill) of James E. Vallee for legislation to establish a sick leave bank for Matthew Charleson, an employee of the Department of Correction. To the committee on Public Service.

Joint petition (accompanied by bill) of James B. Eldridge and Pamela P. Resor for legislation to provide certain tax credits for construction of a renewable energy manufacturing facility within the Devens Regional Enterprise Zone. To the committee on Revenue.

Under suspension of the rules, on motion of Ms. Spiliotis of Peabody, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

sick leave
bank.

Concord,
group health
insurance.

South
Hadley,
school
custodians.

Gift
certificates,
redemption.

Sex
offenders,
voting.

Franklin/
Hampshire
Juvenile Court.

Montague,
Turners Falls
and Lake
Pleasant.

Matthew
Charleson,
sick leave.

Devens,
renewable
energy.

Parking
issues,
study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3434 and 3623, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning parking issues (House, No. 4411).

Driver's
education,
study.

By the same member, for the same committee, on House, Nos. 3461 and 3475, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning driver's education (House, No. 4412).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Children,
care.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill providing for the protection and care of certain children (House, No. 104).

Residents,
equal
access.

By the same member, for the same committee, on a petition, a Bill ensuring equal access to services for all residents of the Commonwealth (House, No. 133).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Child
support,
out of state.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to of out of state child support (House, No. 113). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Karen
Rice,
sick leave.

The engrossed Bill establishing a sick leave bank for Karen Rice, an employee of the Massachusetts teachers' retirement system (see House, No. 4243), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to the use of certain bonds by the Blackstone-Millville Regional School District (see House, No. 4389) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Reconsideration.

Mr. Golden of Lowell asked unanimous consent that the vote be reconsidered by which the House, on Tuesday, November 20, passed to be enacted the engrossed Bill authorizing the board of selectmen of Easton to lease a certain parcel of land (see Senate, No. 2272); and the motion to reconsider was considered forthwith; and it prevailed.

Easton,
land
lease.

Pending the recurring question on passing the bill to be enacted, on motion of the same member, the bill was recommitted to the committee on Bills in the Third Reading, with instructions to determine whether or not said bill comes under the provisions of Article XCVII of the Amendments to the Constitution.

Subsequently, the committee on Bills in the Third Reading, having determined that it did not come under the provisions of Article XCVII, the bill, having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill authorizing Michael McHugh to take the civil service examination for police officer (House, No. 4271), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

The House Bill declaring November Thrombosis Awareness Month (House, No. 4288) was read a second time; and it was ordered to a third reading.

Second
reading
bill.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

At twenty-one minutes after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.